

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

HOLLI TELFORD,

Plaintiff,

v.

MONTANA LAND EXCHANGE, M.
STOSICH, DOES REALTORS OF
MONTANA LAND EXCHANGE,
STAR VALLEY RANCH TOWN,
DOES EMPLOYEES OF TOWN, and
U.S. BANK,

Defendants.

CV-19-2-BMM-KLD

ORDER

Plaintiff Holli Telford (“Telford”) filed an affidavit under 28 U.S.C. § 144 on October 4, 2019. (Doc. 22.) Telford then filed a motion to withhold ruling on her affidavit on October 7, 2019. (Doc. 23.) This Court denied Telford’s motions. (Doc. 24.) Telford filed a motion to vacate that order. (Doc. 25.) Telford then filed a notice of appeal that included this Court’s denial of Docs. 22 and 23. (Doc. 26.)

“The filing of a notice of appeal . . . confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam); *Townley v. Miller*, 693 F.3d 1041, 1042 (9th Cir. 2012)

(holding that under *Griggs* the appellate court has jurisdiction over appeals from a district court order); *BNSF Ry. Co. v. Feit*, No. 10-cv-54, No. 11-cv-01, 2014 WL 12769807, at *1 (D. Mont. Apr. 2, 2014) (same). Telford's notice of appeal divests this Court of jurisdiction over her motion to vacate because the motion to vacate involves the issues now on appeal.

ORDER

Accordingly, **IT IS ORDERED** that Telford's motion to vacate (Doc. 25) is **DENIED**, subject to renewal following the Ninth Circuit Court of Appeals' decision on the pending appeal.

DATED this 4th day of November, 2019.



Brian Morris
United States District Court Judge